



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.14252 of 2017

and

W.M.P. (MD) No.11165 of 2017

Pandi Thevar

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

3.Ramesh

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to take appropriate action against the 3rd Respondent to prevent him from fetching water from the newly excavated well situate in land comprised in Survey No.379/2 at S.Mariyur Village, Kadaladi Taluk, Ramanathapuram District and to close the same for the interest of public at large.

For petitioner

:Mr.P.Balan

For Respondents 1 & 2

: Mr.T.S.Md.Mohideen

Additional Government Pleader

For 3rd Respondent

:Mr.M.S.Jeyakarthik

Mr.R.Murugappan

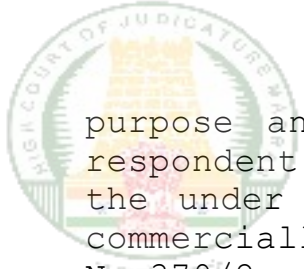
Advocate Commissioner

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed for forbearing the third respondent from fetching water from the newly excavated well situate in land comprised in Survey No.379/2 at S.Mariyur Village, Kadaladi Taluk, Ramanathapuram District.

2.The Tahsildar, kadaladi Taluk filed his counter affidavit confirming the petitioner's allegations. The third respondent is said to be taking water from the well in question for commercial



purpose and selling the same at Rs.5 per water pot. The third respondent is not having any permission to commercially exploit the under ground water source. He is therefore restrained from commercially exploiting the water source in the said Survey No.379/2.

3. On the other hand, the petitioner is also supplying water by drawing the same from two wells situated in Survey No.380/7A. But, the water supply is not for commercial purpose as a mere sum of Rs.30 per family is being collected per month and around 700 families are benefited. Therefore, the activities of the writ petitioner cannot be said to be commercial in nature. The respondents 1 and 2 are directed to ensure that the third respondent does not commercially exploit the water source found in Survey No.379/2 at S.Mariyur Village, Kadaladi Taluk, Ramanathapuram District.

4. This Writ petition is allowed accordingly. No costs. Consequently, connected W.M.P. (MD) No.11165 of 2017 is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

+1cc to Mr.S.RAMU, Advocate, SR.77082

+1cc to Mr.M.S.JEYAKARTHIK, Advocate, SR. 76941

+1cc to M/S.Special Government Pleader, SR. 77676

W.P (MD) No.14252 of 2017
and

W.M.P. (MD) No.11165 of 2017
06.09.2017

VSG/RMK

KK/MR KKR/SAR1/26.09.2017/ 2P- 6C/